

AMENDED IN ASSEMBLY APRIL 2, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 766

Introduced by Assembly Member Beth Gaines

February 21, 2013

An act to add Section 12532 to the Government Code, relating to the Attorney General.

LEGISLATIVE COUNSEL'S DIGEST

AB 766, as amended, Beth Gaines. Attorney General: investigations.

Existing law provides that each officer of the state, or of any county, city, town, or district of this state, and every other person charged with the receipt, safekeeping, transfer, or disbursement of public moneys who takes certain actions concerning those moneys is guilty of a felony. Existing law deems it the duty of the Attorney General to see that the laws of the state are adequately enforced.

This bill would prohibit the Attorney General from offering a promise of use *or transactional* immunity during the course of an investigation into the misuse of public funds, *unless specified findings are made. The bill would require the Attorney General to submit a written copy of the findings to a presiding judge, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12532 is added to the Government Code,
2 to read:

1 12532. (a) The Attorney General may not offer a promise of
2 use or *transactional* immunity during the course of an investigation
3 into the misuse of public ~~funds~~, *funds*, unless the Attorney General
4 makes all of the following written findings:

5 (1) The testimony of the person to whom the offer is made is
6 needed to obtain a criminal conviction in the case.

7 (2) The testimony of the person to whom the offer is made is
8 important to securing that conviction.

9 (3) The person to whom the offer is made will invoke his or her
10 right against self-incrimination unless immunity is granted.

11 (b) If the criteria described in paragraphs (1) to (3), inclusive,
12 of subdivision (a) are met, the Attorney General shall submit a
13 written copy of the findings to the presiding judge of the criminal
14 court that has jurisdiction over the case, if a criminal complaint
15 has been filed; or where the grand jury relating to the investigation
16 has been impaneled or criminal or grand jury proceedings have
17 not yet commenced, to the presiding judge that would have
18 jurisdiction over the case subject to investigation.